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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TROY FLETCHER,

Plaintiff,

v.

BANK OF AMERICA
CORPORATION, et al.,

Defendants.

2:12-CV-240 JCM (RJJ)

ORDER

Presently before the court is defendants Bank of America Corporation, et. al.'s motion to dismiss. (Doc. #4).¹ Plaintiff Troy Fletcher failed to file an opposition.

The property at issue in this case is located at 769 Shirehampton Drive, Las Vegas, Nevada. (Doc. #1, Ex. A). Plaintiff defaulted on his home loans on November 1, 2008. (Doc. #4, Ex. D). The property was sold at a trustee's sale on November 19, 2009. (Doc. #4, Ex. F).

Defendants' motion argues that the court should dismiss the complaint for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). (Doc. #4). The motion addresses all four causes of action in plaintiff's complaint. (Doc. #4).

¹ Defendants' attorney filed an identical motion to dismiss in this case for defendant Recontrust Company, N.A. (Doc. #5). As these motions are identical and name all of the defendants in this case, it is unnecessary for the court to issue two separate orders on these motions.

1 Pursuant to Nevada Local Rule 7-2(d), "the failure of an opposing party to file points and
2 authorities in response to any motion shall constitute a consent to the granting of the motion."
3 However, the court will not automatically grant every unopposed motion. In *Ghazali v. Moran*, 46
4 F.3d 52, 53 (9th Cir. 1995), the Ninth Circuit held that the court had to weigh the following factors
5 before dismissing the action: (1) the public's interest in expeditious resolution of litigation; (2) the
6 court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
7 favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions.

8 Plaintiff failed to oppose the motion to dismiss, and the court further finds that the *Ghazali*
9 factors weigh in favor of dismissing the action. *Ghazali*, 46 F.3d at 53; *see also* LR 7-2(d).

10 Accordingly,

11 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants Bank of
12 America Corporation, et. al.'s motion to dismiss (doc. #4) be, and the same hereby is, GRANTED.

13 DATED March 22, 2012.

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16 UNITED STATES DISTRICT JUDGE